

## ***Ghille Chattan Mhor and Clann Mhic an Tòisich Lands in the MacDhomhnaill Lordship of Lochaber***<sup>1</sup>

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On 17 October 1895 in the Blythswood Rooms in Glasgow in front of a packed audience of people interested in *Clann Chatain* (Clan Chattan) history, the historian and antiquarian Charles Fraser Mackintosh regaled his audience with a potted history of his mother's kindred. In this address, Mackintosh informed his audience that 1291 was the 'real' historical horizon of 'his' clan because King Edward I, the ultimate bogey-man for many Scots, had stolen all of the valuable Scottish charters on that date. According to Mackintosh, this meant that pre-1291 Scottish history was prehistoric because there was no evidence.

Despite the unwelcome attentions of Edward I, Mackintosh nevertheless felt able to inform his audience about a number of key 'facts'. The first of these facts was that between 1000 and 1100 a person by the name of *Ghille Chattan Mhor* had lived in Lochaber and that either he or his immediate descendants were the lords of Glen Lui and Loch Arkaig, these lands held of the lords of the Isles. In 1291 this line ended in an heiress called Eva. Fortunately for all concerned, that year Eva married Angus Mackintosh, the sixth chief of that name and a direct descendant of an early earl of Fife. Following this marriage, the sixteen various kindreds that together comprised the *Clann Chatain* confederacy 'elected' Angus as their chief.

Charles Fraser Mackintosh then provided a quick check-list of post-1291 charters that proved the 'election' of Angus. The first of these consisted of a lost 1333 charter from Reginald of the Isles to William son of Eva in which William was confirmed in the lands of his mother. This grant was later confirmed by King David II (also lost). This was (much) later followed by a charter from John of the Isles and earl of Ross who called a Duncan Mackintosh 'his beloved cousin'; a charter from King James III that referred to the same person as 'Captain of Clan Chattan'; and finally a 1467 bond of manrent between Baron Forbes and the same Duncan Mackintosh that again referred to the latter as the 'Captain of Clan Chattan'.<sup>2</sup> The discerning reader will already have spotted that there are a number of rather large holes in this tale but the subtext is clear. On one side *Clann Mhic an Tòisich* (the Mackintoshes) were descended from the earls of Fife and their ancestors on the other side had held lands in Lochaber from the lords of the Isles at an early date.

In fact, the story that Charles Fraser Mackintosh was purporting to relate is more nuanced than he would have us believe. There is little doubt that any investigation would be helped if the origins of *Clann Mhic an Tòisich* were known because that would provide a genuine historic horizon from which their later actions could be assessed. Accordingly, this paper will begin by evaluating the information relating to the putative origins of the kindred contained in Mackintosh and other manuscripts against the surviving historical evidence. It will then assess the allegiances and holdings of *Clann Mhic an Tòisich* during the fourteenth and fifteenth centuries. It must have been difficult for the kindred to hold major lands in Lochaber from the lords of the Isles and simultaneously negotiate a path through the largely treacherous ground that comprised relations between the lord of the Isles and the Scottish crown during that time period.

### ***Mac an Tòisich - the son of the thane?***

The usual starting point for all Mackintosh history is a manuscript now called the Kinrara MS. This was written in 1679 by Lachlan Mackintosh of Kinrara, and he partly based his text upon three earlier manuscripts by Farquhar Mackintosh (from Duncan, third earl of Fife, to

<sup>1</sup> My thanks to Sonja Cameron, Aonghas MacCoinnich and Michael Penman for reading this article in draft and for making useful suggestions. Any mistakes that remain are my own.

<sup>2</sup> Charles Fraser Mackintosh, *Address on the History of Clan Chattan* (Oban, 1895), 1-15. This paper is not the place to properly investigate *Clann Chatain*, who are first recorded (by inference) in a Gordon document dated October 1442 [NAS, GD176/7]. There do, however, seem to be very close links between *Clann Chatain* and the Gordons and it may be that the confederacy was a vehicle through which the Gordons could aggressively expand their lordship in Highland Scotland (also see fn57).

1496; composed 1502); Andrew Weaver (MacPhail), parson of Croy, (from Duncan, third earl of Fife, to the death of William Mackintosh at Strathbogie in 1550; composed c.1550); and George Munro, who only wrote about three Mackintoshes (Farquhar Mackintosh, William Mackintosh who was killed in Inverness, and Lachlan *oig* Mackintosh, murdered in 1524; composed 1575).<sup>3</sup> The originals of these earlier manuscripts have been lost, so little can now be said about either the accuracy of transmission from them to the Kinrara manuscript or how they were compiled and edited by Lachlan.

A little more can be said about some of the authors and biases. The first manuscript abruptly stopped in 1496, and this date coincides with the death of Duncan Mackintosh, chief of his kindred. The Kinrara MS identifies the author as Farquhar, Duncan's heir, and states that he wrote it during his seventeen-year incarceration (partly alongside Kenneth MacKenzie, heir of Kintail) by King James IV.<sup>4</sup> Alison Cathcart has plausibly suggested that the reason behind this long imprisonment was because Farquhar had taken part in a rebellion, led by Alexander MacDonald of Lochalsh, against the MacKenzies in Ross. Thereafter, because both Farquhar and Kenneth were future chiefs, and because both men had MacDonald mothers, the king had been forced into taking preventative action.<sup>5</sup> The long imprisonment of Farquhar by the crown, together with his presumably increasing desperation to be released, must raise serious questions about possible biases in his original manuscript.

For example, making himself a descendant of Earl Duncan of Fife (MacDuff - who was also allegedly a thane) was an absolute masterstroke. With one sentence Farquhar not only provided himself with putative royal descent from a tenth century king of Alba, Dubh mac Máel Coluim (962-66), but also linked himself and his family to the senior inaugural officials of pre-1329 medieval Scotland who had a long history of supporting the crown.<sup>6</sup> Farquhar may also have known his local history, even if he got his early earls of Fife confused.<sup>7</sup> In the late twelfth century Earl Duncan II of Fife (1154-1204) clearly held substantial lands in Strathspey, in the parishes of Kirkmichael, Inveravon, and Advie. These Fife holdings in Strathspey were conveniently close to the later Mackintosh holdings of Moy and (particularly) Dunachton, so it might have seemed unsurprising to many to read that a younger son of an earl of Fife was the progenitor of the Mackintoshes. However, the fallacy of this theory was exposed by W F Skene in 1890 when he rightly argued that the MacDuffs of Fife were only ever called thanes in 'fabulous' histories of Scotland. In reality, the MacDuff earls of Fife never bore such a title.<sup>8</sup>

Farquhar's manuscript may also have supplied the long list of pre-1496 Mackintosh battle honours that appears in the Kinrara MS, listed below in tabular form.

Date	Mackintosh	King	Pro-crown	Opponents
1163	Shaw	Malcolm IV	yes	Moravians
?	Shaw II	William I	yes	Donald of the Isles
1196	Duncan (killed in action)	William I	yes	Islanders
1211	Malcolm	William I	yes	MacWilliams
1263	Farquhar (married to an Isleswoman and killed by an	Alexander III	yes	Norwegians

<sup>3</sup> *Genealogical Collections Concerning Families in Scotland, Made By Walter MacFarlane, 1750-1751*, ed J T Clark, 2 vols (Edinburgh, 1900-01), i, 148, [hereafter: *MacFarlane Genealogical*]; M Macgregor, "Writing the History of Gaelic Scotland: A Provisional Checklist of 'Gaelic' Genealogical Histories", *Scottish Gaelic Studies*, 24 (2008), 357-79, at 364.

<sup>4</sup> *MacFarlane Genealogical*, i, 148. This identification seemed to be questioned but no reason was given for this: M MacGregor, 'The genealogical histories of Gaelic Scotland', in A Fox and D Woolf (eds), *The Spoken Word: Oral Culture in Britain, 1500-1850* (Manchester, 2002), 196-239 at 209.

<sup>5</sup> Cathcart, *Kinship and Clientage*, 46.

<sup>6</sup> *MacFarlane Genealogical*, 150-58.

<sup>7</sup> J Bannerman, 'MacDuff of Fife', in A Grant and K J Stringer (eds), *Medieval Scotland: Crown, Lordship and Community* (Edinburgh, 1993), 20-38.

<sup>8</sup> W F Skene, *Celtic Scotland: A History of Ancient Alban*, 3 vols (Edinburgh, 1886-90), iii, 356.

	Islesman)			
1314	Eneas	Robert I	yes	English
1319	Eneas	Robert I	yes	English
1336	William (second marriage to a MacLeod of Lewis)	David II	yes	Balliol faction
1346	Malcolm and Farquhar	David II	yes	English
1411	Malcolm	James I	yes?	Duke of Albany
1428	Malcolm	James I	yes	Alexander of the Isles
1430?	Malcolm	James I	yes	Donald Balloch
1452	Malcolm (killed in action)	James II	yes	John of the Isles
1490s?	Duncan (married to Flora MacDonald)	James IV	yes	Gillespie MacDonald
1491	Farquhar	James IV	yes	John of the Isles?

This impressive statement of consistent support for the crown by the Mackintosh kindred is only faintly tarnished by the battle of Harlaw in 1411. Farquhar (if it was him who originally compiled this list) neatly circumvented the issue of Mackintoshes fighting for Donald, lord of the Isles, by claiming that their opponent that day was the Regent Robert Stewart, earl of Fife and Menteith. So, according to this version of events, at Harlaw the Mackintoshes were really fighting for the crown too. While it is impossible to either prove or disprove this roll of battle honours, it does look suspiciously like an ideal wish-list that a long-term prisoner of the crown might compile as evidence to prove his kindred's consistent historic loyalty to earlier kings of Scots.

Less is known about the authors of the other two manuscripts used by Lachlan Mackintosh to compile the Kinrara MS. That written by Andrew Weaver, identified as Andrew MacPhail, parson of Croy,<sup>9</sup> begins at exactly the same point as Farquhar's manuscript, so the author may have borrowed a copy of that and then extended it to the death of William Mackintosh in 1550. The precise reasons why George Munro of Davochgartie (in Ross) engaged in writing a history of three Mackintosh chiefs are unknown, although he does seem to have been deeply involved in Mackintosh kindred politics. On 26 February 1546, for example, he agreed to infest a disaffected member of the Mackintosh kindred, Lachlan Malcomeson, in his lands of Davochgartie.<sup>10</sup> In addition, a previous Mackintosh chief and Farquhar (author of the first manuscript), had both married Fraser of Lovat daughters and, possibly as a result of these marriages, the kindred clearly possessed extensive business dealings in Ross by the sixteenth century.

The Kinrara MS is not the only account that purports to relate the origins of *Clann Mhic an Tòisich*. A second source, known as MS 1467, also contains information relating to the ancestry of the kindred.<sup>11</sup> This manuscript, compiled by Dubhghall Albanach c.1467 from earlier material, contains a collection of Gaelic pedigrees which fall into three categories: those relating to the kings of Scots; those relating to the descendants of *Somhairle* (Somerled); and those relating to other kindreds living in Scotland.<sup>12</sup> MS 1467, however, appears to have had a complicated textual history. Essentially, Martin MacGregor has argued that the original compiler used a source which contained MacDonald, MacRuairi, and MacDougall genealogies and which had perhaps been originally composed c.1350. This manuscript (or a copy of it) then came into the possession of a Maclachlan genealogist who updated some of the clan genealogies between 1440 and 1448. Finally, Dubhghall Albanach made his c.1467 copy from the version that included the 'Maclachlan update', again updating

<sup>9</sup> M MacLean, Review of *The Mackintoshes and Clan Chattan*, *SHR*, 2 (1904-05), 201-03.

<sup>10</sup> NAS, GD176/56.

<sup>11</sup> <http://www.1467manuscript.co.uk/index.html>, accessed 12 January 2011.

<sup>12</sup> M MacGregor, 'Genealogies of the clans: contributions to the study of MS 1467', *Innes Review*, 51:2 (2010), 131-46.

material.<sup>13</sup> Macgregor agrees with John Bannerman that the author of MS 1467 was in the employ of the MacDonalds and that the manuscript was compiled to demonstrate the pedigrees of chiefs of important clans who recognised the authority of the lords of the Isles c.1400.<sup>14</sup> While it is unclear at which point during the fifteenth century the *Clann Mhic an Tòisich* pedigree was added to MS 1467, the important fact that it was a fifteenth-century (possibly late) addition is worth noting at this point.

The *Clann Mhic an Tòisich* pedigree in MS 1467 lists six personal names before Gillechattan, and he is followed by a further twenty-three names to William and Donald, the sons of Ferchard. The manuscript also assigns a clear west coast origin to *Clann Mhic an Tòisich*, making them the descendants of Earc, son of Conlaith, son of Fearchar Fada, son of Fearadhach.<sup>15</sup> The penultimate figure in this list was a Cenél Loairn king of the Gaelic kingdom of Dál Riata who died in 697.<sup>16</sup> *Clann Mhic an Tòisich* are not the only kindred linked back to Fearchar Fada, son of Fearadhach, in MS 1467 and it is noticeable that the genealogy of King Lulach mac Gilla Comgáin (1058) goes back to the same two figures. Since King Lulach's kindred came from Moray, and assuming that MS 1467 was an exercise in MacDonald authority, it is surely legitimate to speculate that these genealogies say more about fifteenth-century Macdonald ambitions in Moray than actual common lines of descent from an apical ancestor.

While both the Kinrara MS and MS 1467 place the origins of the Gillechattan antecedents of *Clann Mhic an Tòisich* in west Scotland, and both genealogies contain a figure referred to as Gillechattan, this is the extent of their cooperation. The Kinrara MS calls him *Gillichattan Macgillespic chlerich*; MS 1467 refers to (presumably) the same figure as *Gille Chatáin mac Gille Brátha*. In addition, while the Kinrara MS emphasises the earl of Fife origins of the kindred, only briefly mentioning *Gillichattan Macgillespic chlerich*, MS 1467 instead concentrates on an earlier Dál Riata origin and does not mention any putative Fife additions to the gene pool of *Gille Chatáin*'s descendants. Neither manuscript agrees on where to place *Gille Chatáin* in a chronology: MS 1467 places him only four generations after the attested historical figure of Fearchar Fada while the Kinrara MS assigns him a date of 1215 when he allegedly emigrated from Connaught to Lochaber. Such dramatic chronological divergences should be alarming, even taking into account the fact that it is now impossible to reconstruct the precise contents of the three earlier manuscripts upon which the Kinrara MS was partly based.

It is also interesting that the *Clann Mhic an Tòisich* genealogy in MS 1467 is directly contradicted by a later MacDonald source, Hugh MacDonald's *History of the MacDonalds*, written after c.1660. Here, it is related that an illegitimate daughter of Angus of the Isles met and mated with 'a son of macDuff, thane of Fife' who had fled to the west to escape a charge of manslaughter. Having impregnated the woman, this man then joined Edward Bruce in Ireland and was killed. The child was subsequently given the patronymic 'Macintosh' to signify that he was a thane's son, raised by Angus of the Isles, and given two estates, one in the Braes of Lochaber and the other in the Braes of Moray.<sup>17</sup> It seems likely that in order to relate this story Hugh MacDonald must have been familiar with one or more of the manuscript sources later used by Lachlan Mackintosh to compile the Kinrara MS, since the *History of the MacDonalds* and the Kinrara MS are the only two extant sources to claim that *Clann Mhic an Tòisich* were descended from a thane of Fife.

Some of the key dates and their accompanying 'facts' in the Kinrara MS are also worthy of further attention. The first of these is the statement that Shaw Mackintosh, second son of Earl

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<sup>13</sup> Ibid, 145-46.

<sup>14</sup> Steer and Bannerman, *Late Medieval Monumental Sculpture*, 205.

<sup>15</sup> Skene, *Celtic Scotland*, iii, 478-79. Not all of the names originally listed by Skene are now legible: <http://www.1467manuscript.co.uk/kindred%2005.html>, accessed 12 January 2011.

<sup>16</sup> AU, 697.2; J Bannerman, *Studies in the History of Dalriada* (Edinburgh, 1974), 109-10.

<sup>17</sup> *Highland Papers*, i, 16-17. This may be a reaction to information in the Kinrara MS where it is explained that a chief died at Petty in Moray but he had previously ordered that his body be taken to an island in Loch Arkaig (Lochaber) for burial [cf: *MacFarlane Genealogical*, i, 173].

Malcolm III of Fife, travelled north in 1163 in the company of King Malcolm IV and a royal army to suppress a rebellion by the men of Moray.<sup>18</sup> This is based upon an obscure and brief entry in the Holyrood Chronicle, *Et rex Malcolmus Mureviensis transtulit*, the exact meaning of which is not clear.<sup>19</sup> This comment was subsequently expanded by Fordun in *Chronica Gentis Scottorum* (and in Bower's later *Scotichronicon*) into a full-blown rebellion by the men of Moray against the crown, and it is presumably one of these later histories that the original author of this part of the Kinrara MS had consulted.<sup>20</sup> According to the Kinrara MS, as a reward for his valour in 1163 Shaw was granted the governorship of Inverness Castle, together with the lands of Petty and Brachley, and the forest of Stratherne, by King Malcolm. All these lands and offices lay in eastern Moray and had been confiscated from the families of dead rebels. Between 1236 and 1265 these possessions were allegedly augmented by other lands in Moray: Rothiemurchus, Meikle-Geddes and Rait.<sup>21</sup>

*Clann Mhic an Tòisich* claims to these lands will be discussed later in this article but perhaps one of the most important statements in this section of the Kinrara MS is that which describes the marriage of Eva, descendant of *Ghille Chattan Mhor* and heiress of the lands of Glen Lui and Loch Arkaig in Lochaber, to Angus Mackintosh in 1291. According to the manuscript, Eva also carried the hereditary chiefship and command of *Clann Chatain* into the marriage.<sup>22</sup> This was the same year that King Edward I of England is said to have stolen all of the important Scottish documents (which conveniently explains why there are no formal records of this marriage and the accompanying property transactions) and for the next few decades, at least according to the Kinrara MS, *Clann Mhic an Tòisich* struggled to survive the wars of independence. It explains that because Angus was loyal to Robert Bruce the [evil] Comyns stole his lands of Meikle-Geddes and Raits, together with the governorship of Inverness Castle. However, all was not lost and c.1336 Angus acquired the lands of Benchar and all of the estates between the Rivers Calander and Guynack in the lordship of Badenoch.<sup>23</sup>

Alas, it is unlikely that the marriage between Eva and Angus was consummated. As Cathcart and others have argued, Eva was a mythic and symbolic figure used to legitimise regime change in a number of clan histories and the 'Eva inheritance' is most likely a later fabrication to provide legitimacy for the *Clann Mhic an Tòisich* claim to be chiefs of *Clann Chatain* and lords of Glenlui and Loch Arkaig.<sup>24</sup> At this point it is also interesting to note that the Kinrara MS always places important thirteenth- and early-fourteenth-century land grants to *Clann Mhic an Tòisich* during periods of great upheaval. The alleged marriage of Eva and Angus took place in the period of the Great Cause, when King Edward I was stealing Scottish records. The acquisition of Benchar and other Badenoch estates in the mid-1330s took place at a time when Scotland had two crowned and anointed kings (Edward Balliol and David Bruce), civil war between Scots was rife, and from which there are next to no surviving Scottish records.<sup>25</sup> The author of the Kinrara MS, or his sources obviously knew their Scottish history, and knew how to provide excuses for a lack of written records that might make their version(s) of *Clann Mhic an Tòisich* history difficult to disprove.

There is an added twist to this search for the origins of *Clann Mhic an Tòisich* because there is a third source which provides different information about the kindred. This is Sir Robert Gordon's, *A Genealogical History of the Earldom of Sutherland*. In this text the origin of *Clann Mhic an Tòisich* is not discussed *per se* but Gordon explicitly states that they had

<sup>18</sup> MacFarlane *Genealogical*, i, 159.

<sup>19</sup> M O Anderson and A O Anderson (eds), *A Scottish Chronicle known as the Chronicle of Holyrood* (Edinburgh, 1938), 142.

<sup>20</sup> Bower, *Scotichronicon*, iv, 263-65 and at 489.

<sup>21</sup> MacFarlane *Genealogical*, i, 164.

<sup>22</sup> *Ibid.*, 166.

<sup>23</sup> *Ibid.*, 166-68. This claim betrays the fact that the author of the manuscript was not familiar with the patterns of lordship in the Spey valley. While the River Gynack certainly did lie in Badenoch (it runs through Kingussie), Calander was located well outside the lordship, much further downstream at the east end of the parish of Advie, close to Knockando.

<sup>24</sup> Cathcart, *Kinship and Clientage*, 16-18.

<sup>25</sup> Nicolson, *Edward III and the Scots*.

been valued retainers and followers of past earls of Moray, from whom they had got many good lands and possessions in Pettie and Strathearn (eastern Moray).<sup>26</sup> Sir Robert never clarifies how long this symbiotic relationship between the earls of Moray and *Clann Mhic an Tòisich* had been in operation. One obvious historical horizon might have been (from) the marriage in 1526 between Lachlan Mackintosh and Jean Gordon, half-sister to the earl of Moray,<sup>27</sup> but at this stage the possibility that the link could have been even older cannot be discounted.<sup>28</sup>

Sir Robert Gordon clearly also must have had access to *Clann Mhic an Tòisich* material (oral or written), or something based upon such a source, when he was writing his genealogical history. In a number of *Clann Mhic an Tòisich*-related incidents Gordon provides specific details that also appear in the later Kinrara MS. For example, both texts describe a *Clann Mhic an Tòisich* retaliatory raid into Strathdee and Glenmuick on 10 November 1592, during which four Gordon lairds were killed.<sup>29</sup>

This is not the place to properly evaluate the relationship between these two texts, respectively finished by 1630 (Gordon) and 1679 (Kinrara), but it may ultimately be impossible to prove which borrowed from the other because of the three lost earlier manuscripts upon which the Kinrara MS was partially based. What can be said is that there seems to have been a close working relationship between the earls and other members of the Sutherland family and *Clann Mhic an Tòisich* c.250 years before the earliest of the texts was written: Sir Robert Gordon described this as ‘strict league of friendship’, and the Kinrara MS as ‘strenuous and amicable assistance against the earl of Caithness’.<sup>30</sup> It is also worth pointing out that there were Sutherland lords in Duffus in the Laich of Moray from the mid-fourteenth century and that one member of that family was acting as a procurator for the chief of *Clann Mhic an Tòisich* in 1442.<sup>31</sup>

A quick evaluation of the printed Sutherland records shows just how close this relationship must have been during the sixteenth century. In 1549, for example, William Mackintosh of Dunachton was specifically named by Earl John of Sutherland in a bond of mutual friendship and defence between him and the earl of Caithness. Similarly, in 1588, Angus Mackintosh of Dunachton was one of six arbiters chosen by Earl Alexander of Sutherland to act on his behalf.<sup>32</sup> On this evidence the links between *Clann Mhic an Tòisich* and the earls of Sutherland clearly spans generations and so it is difficult to say when and by which channel *Clann Mhic an Tòisich* material relating to their ‘history’ might have travelled northwards to Sutherland where it was subsequently used by Sir Robert Gordon on his visits to Sutherland from his base in Salisbury.<sup>33</sup>

This long relationship between *Clann Mhic an Tòisich* and the earls and other members of the Sutherland family, together with the exchange of ‘historical’ material, is important for another reason. This concerns the issue of two charters at Scone on 28 February 1359 during the reign of King David II (1329-71). The first of these charters was a grant of the barony of Urquhart and its castle by King David to Earl William of Sutherland, in excambion for all of the earl’s lands in Kincardineshire that the king had previously granted him in 1345 and 1346.<sup>34</sup> The second was a royal confirmation of the rights held by William Mackintosh in the

<sup>26</sup> Sir Robert Gordon, *A Genealogical History of the Earldom of Sutherland* (Edinburgh, 1813), 391.

<sup>27</sup> This is the assumption made by Cathcart, *Kinship and Clientage*, 167.

<sup>28</sup> The Scottish supplications to Rome, for example, record a plea by *Forchardus Lachlawson* and his wife *Christina Stewart* (diocese of Moray) in November 1440. However, although both Ferchar and Lachlan are Mackintosh ‘names’, there is no sign of a Ferchar Lachlanson in the official Mackintosh histories and genealogies for this time period [cf: *Calendar of Scottish Supplications to Rome*, iv, eds A I Dunlop and D MacLauchlan (Glasgow, 1983), nos.719 & 1344.

<sup>29</sup> MacFarlane *Genealogical*, 252; Gordon, *A Genealogical History*, 217.

<sup>30</sup> MacFarlane *Genealogical*, 243; Gordon, *A Genealogical History*, 101.

<sup>31</sup> Sir William Fraser, *The Sutherland Book*, 3 vols (Edinburgh, 1892), i, 513; NAS, GD176/6.

<sup>32</sup> Fraser, *Sutherland Book*, i, 157; iii, 108.

<sup>33</sup> D Allan, “Ane Ornament to Yow and Your Famelie”: Sir Robert Gordon of Gordonstoun and the Genealogical History of the Earldom of Sutherland”, *SHR*, 80 (2001), 24-44.

<sup>34</sup> Fraser, *Sutherland Book*, iii, nos.12, 14 & 15.

lands of Glenloy and Loch Arkaig in Lochaber. According to the modern edition of the acts of David II these are the only two documents issued at Scone on that date which have survived.<sup>35</sup>

The second of these documents is important because it is the earliest surviving piece of historic evidence relating to *Clann Mhic an Tòisich* and lands in Lochaber, even though it is a major worry that it only survives as a brief note in the Kinrara MS with no accompanying witness list. In contrast, the former of the two charters issued at Scone in February 1359 appears to sit quite comfortably among a much larger list of Sutherland charters dated to David II's reign. This list consists of eight royal grants of various thanages and other lands in east Scotland to the Sutherland family. The full texts of most of these grants are variously found in *The Sutherland Book*, *The Acts of David II*, and they are also discussed in Sir Robert Gordon's genealogical history.<sup>36</sup>

What is unusual about this list of eight Sutherland-related grants is that the February 1359 Scone confirmation is the only document whose text does not survive in full and it too has no accompanying witness list. It also appears to be the only piece of evidence relating to Urquhart that the editor of the Sutherland papers could find in that archive.<sup>37</sup> Even odder is the fact that a mere five months after the king supposedly exchanged the barony and castle of Urquhart for all of the Sutherland lands in Kincardineshire, he issued a charter (of confirmation) on 24 July 1359 in which he confirmed his earlier grants of Kincardineshire lands to the Sutherland family.<sup>38</sup> No mention of the exchange of these lands for the barony and castle of Urquhart was made in this latter confirmation.

Though all of this seems peculiar, kings have been known to change their minds and it might be objected that a separate note referring to the February 1359 Sutherland charter appears in the appendices to the printed edition of the Register of the Great Seal. The rolls that contained the originals of the documents listed in these appendices were apparently lost in a shipwreck in 1660 and the only reason why a record of them has survived is because two clerk registrars, James MacGill of Rankeillor and Sir John Hamilton of Magdalens, are thought to have made indexes of the contents of those rolls between 1554 and 1632. Since then, both manuscript indexes have had numerous owners, including George Chalmers and Thomas Thomson, and their editor has described them as being, "full of obvious and multifarious blunders".<sup>39</sup> But this cannot be the whole story because one of these clerk registers, James MacGill of Rankeillor, must have been known to the Sutherland comital family. He sat in judgement over at least one land dispute between the earls of Sutherland and Caithness and presumably would have had some access to the family papers, as well as having an involvement in the process of lifting the sentence of forfeiture against the earl of Sutherland in 1567.<sup>40</sup> All of this business seems rather conspiratorial.

Of these two February 1359 Scone charters the Sutherland note seems marginally more secure, though even its appearance in the Great Seal index is tarnished because there are demonstrable links relating to land disputes between the author of that index and the Sutherland family. While it cannot be conclusively proven that the two Scone charters are fakes there should at least be suspicions about the veracity of the documents, even if we do not yet know the exact relationship between all of the manuscripts in which the notes about these charters appear.

All of these points must also raise doubts about the *Clann Mhic an Tòisich* claim to have been settled in Lochaber as tenants of the lords of the Isles at an early date. Since Eva is mythical, and if there is also some doubt over the authenticity of the 1359 royal confirmation of land in Lochaber to *Clann Mhic an Tòisich*, and this would not be the first instance of

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<sup>35</sup> *Regesta Regum Scottorum*, vi, *The Acts of David II*, ed B Webster (Edinburgh, 1982), nos 208 and 209.

<sup>36</sup> *RRS*, vi, nos 96, 208, 307, 320 & 357; Fraser, *Sutherland Book*, iii, 12-21; Gordon, *A Genealogical History*, 427-28.

<sup>37</sup> Fraser, *Sutherland Book*, i, 45.

<sup>38</sup> *Ibid*, iii, no.18.

<sup>39</sup> *RMS*, i, viii-ix.

<sup>40</sup> Fraser, *Sutherland Book*, iii, 108 and 146.



‘creativity’ in medieval Scottish history,<sup>41</sup> it means there is no good historical evidence to link *Clann Mhic an Tòisich* to Lochaber before the end of the reign of King David II in 1371.

There is, however, yet another distinct layer of material in the Kinrara MS that is perhaps worth quarrying for information. Amongst all of the generally undated claims to various lands between c.1100 and 1500, which have obviously been placed in the Kinrara MS in an attempt to prove a long history of *Clann Mhic an Tòisich* lordship in different areas of the country, there is a much smaller number of precisely dated references concerning land grants to *Clann Mhic an Tòisich*. These pre-1500 grants are laid out in the following table:

Lands	Date of grant claimed in Kinrara MS	Grantor	Proven from other sources
Barony of Rothiemurchus	19/3/1347	Bishop of Moray	No
Barony of Moy	6/2/1437	Bishop of Moray	Nearest dated to 1545 (grant in feu-ferme) <sup>42</sup>
Raits and Geddes	5/10/1442	Lord Gordon	Yes
Lands in Lochaber	11/2/1443 ( <i>recte</i> 1444)	Lord of the Isles	Yes
Stewardry of Lochaber	13/11/1447	Lord of the Isles	Yes
Rothiemurchus (feudal tenure)	24/9/1464	Bishop of Moray	Sasine of same given under royal command in 1475
Forbes covenant	9/8/1467		Yes
Gallovie	2/10/1481	Earl of Huntly	Yes

Checked against other independent sources this list of precisely dated material is surprisingly accurate with two exceptions, the first two grants to *Clann Mhic an Tòisich* from bishops of Moray. But if these first two grants are as accurate as the others in this list they may point to a hitherto unrecognised and relatively early relationship between the bishops of Moray and *Clann Mhic an Tòisich*, that of superior lord and episcopal tenants.

All of this material leaves a rather large knot to unravel in relation to the origins of *Clann Mhic an Tòisich*, and when and why they were granted lands in Lochaber by the lords of the Isles. In addition, only one of the sources looked at, MS 1467, claims a west coast origin for the kindred, the other three point to an east coast origin. Without recourse to charters and other written records there seems no way of resolving this conundrum.

### ***Clann Dhomhnaill and Clann Mhic an Tòisich: a marriage made in Lochaber?***

The first unimpeachable historic sources concerning people referred to as Mackintosh places them in eastern Kincardineshire in June 1382, at the opposite side of Scotland from Lochaber. These two royal documents concern a dispute that had arisen between Bishop Adam of Aberdeen and *Farchard Mctoshy* over damage done to ecclesiastic lands in the parish of Birse by Farquhar and his adherents, so (allegedly) bad that the common people there could not stay

<sup>41</sup> D Sellar, 'Highland Family Origins - Pedigree Making and Pedigree Faking', in L Maclean (ed), *The Middle Ages in the Highlands* (Inverness, 1981), 103-16; R J Tanner, 'Cowing the Community? Coercion and Falsification in Robert Bruce's Parliaments, 1309-1318', in K M Brown and R J Tanner (eds), *Parliament and Politics in Scotland, 1235-1560* (Edinburgh, 2004), 50-73.

<sup>42</sup> Three sources provide anecdotal information about an event that places *Clann Mhic an Tòisich* as tenants of Moy in the fourteenth century: W Mackay (ed), *Chronicles of the Frasers* (Edinburgh, 1905), 85-6; Gordon, *A Genealogical History*, 46; MacFarlane *Genealogical*, 37. Respectively, these sources date this event to 1378, 1333, and c.1341. In contrast, the Kinrara MS dates this event to 1454. Such a wildly differing chronology does not inspire confidence in the veracity of the story.



in their houses, till their lands, live in peace, nor enjoy their goods. As a result of these allegations one of King Robert II's sons, Alexander Stewart, was commanded to visit the area and compel Farquhar to give security to ensure that he and his followers behaved themselves in future.<sup>43</sup>

The most recent commentator upon these events suggested that because Stewart was known to have used *ceathern* (caterans) to aid his policies, and since Farquhar was clearly accused of terrorising some of the inhabitants of Birse, it was likely that Farquhar was a leader of *ceathern*. In addition, because Alexander Stewart was lord of Badenoch and in dispute with the bishops of Moray and Aberdeen at that time, so it was likely that Farquhar and his men were originally from Badenoch and were being used by Alexander to punish the bishop of Aberdeen. This was a tactic used effectively elsewhere in northern Scotland by Alexander at that time.<sup>44</sup> Such a scenario might lend some weight to the authenticity of the putative 1347 grant of Rothiemurchus to *Clann Mhic an Tòisich*. Unfortunately, however, although Alexander Stewart may have been *de facto* lord of Badenoch and Strathspey from the early 1370s, Rothiemurchus was not part of either of those areas, standing alone as an episcopal lordship. In fact, it was not until almost one year after the 1382 Kincardineshire dispute that Alexander Stewart got control of Rothiemurchus when he leased it from the bishop of Moray on 20 April 1383.<sup>45</sup> Accordingly, in 1382 *Farchard Mctoshy* would have recognised the bishop of Moray as his superior lord, not Alexander Stewart, assuming of course that Farquhar hailed from Rothiemurchus in the first instance. This is not certain.

Two more pieces of this puzzle remain unsolved. First, these same documents refer to some kind of claim Farquhar possessed in relation to Birse and he was invited to prosecute the bishop at the royal court assured that he would receive justice. This wording would imply that the breakdown in the relationship between the bishop of Aberdeen and Farquhar could have been more concerned with a fracture in the association between an ecclesiastic lord and one of his tenants, rather than Badenoch *ceathern* attacking a political enemy of Alexander Stewart. Compellingly, there is an undated note in the same diocesan records, stating that Farquhar had issued a quitclaim to the bishop regarding the lands of Birse.<sup>46</sup> Such a document would suggest that Farquhar had in fact surrendered a claim he had to property in Birse and so the earliest record to a person called Mackintosh who had proven rights to lands shows that those lands lay in eastern Scotland. One added twist is that Birse had once been a thanage, so it is perhaps unsurprising that someone with the surname *Mctoshy* could have held lands there.<sup>47</sup>

The second (and greater) puzzle concerns Farquhar himself. If he is the same person who became the ninth chief of *Clann Mhic an Tòisich* c.1407, and who appears in the Kinrara MS, he must have been an exceedingly odd and complex character. On one hand, in the records of the diocese of Aberdeen, we have a man accused of terrorising an entire neighbourhood. On the other hand, in the Kinrara MS, he is portrayed as 'melancholy', 'indolent', 'reserved', 'given wholly to ease', and as someone who 'voluntarily resigned his heritage and birthright' (the chieftainships of *Clann Chatain* and *Clann Mhic an Tòisich*) in 1409 to his uncle Malcolm. It seems difficult, if not impossible, to reconcile these sources and their different summations of Farquhar's character unless he suffered from some form of bipolar condition.

This leaves two options. First, it may be that Kinrara and his sources genuinely did not know why Farquhar resigned his birthright so they invented reasons to try and account for his unusual behaviour. If this is correct, it means that the earliest identifiable *Clann Mhic an Tòisich* lands lie in eastern Scotland, not in Lochaber. The second, and perhaps more likely, option is this: given the improbability that someone capable of terrorising a district might have voluntarily resigned two chieftainships to a third party because of laziness, it is possible

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<sup>43</sup> RPS, 1382/6/2. Date accessed: 6 June 2011.

<sup>44</sup> Boardman, *Early Stewart Kings*, 86.

<sup>45</sup> *Moray Registrum* no.162.

<sup>46</sup> *Registrum Episcopus Aberdonensis* (Edinburgh, 1845), ii, 152.

<sup>47</sup> A Grant, 'Thanes and Thanages, from the Eleventh to the Fourteenth Centuries', in A Grant and K. Stringer (eds), *Medieval Scotland: Crown, Lordship and Community* (Edinburgh, 1993), 39-81 at 75.

that this section of the *Clann Mhic an Tòisich* genealogy compiled by Lachlan Mackintosh of Kinrara in 1679 (or his sources) is also artificial.

One scenario might be that casting around for earlier references to Mackintoshes, either Kinrara or his sources happened upon the Birse material which conveniently took the 'history' of their kindred back into the fourteenth century. But, because no direct link could be drawn between Farquhar and the later leading kindred of *Clann Mhic an Tòisich*, he was made to voluntarily surrender his entire inheritance, thus creating a(nother) clear fracture line in the genealogy. This would of course require that either Lachlan or one of his sources were familiar with the records of the diocese of Aberdeen but they provide no details about the different unpublished sources they used other than to describe them as 'old manuscripts' and 'other memorials'.<sup>48</sup> In such a case, any search for the origins of *Clann Mhic an Tòisich* using the Birse evidence appears to lead us into another historic *cul-de-sac*. If this second interpretation is acceptable it means that for Lachlan and his sources, the historical horizon of *Clann Mhic an Tòisich* lay with the figure of Malcolm, alleged to be the 10<sup>th</sup> chief, who lived in the fifteenth century.

According to the Kinrara MS, in 1411 Malcolm took the side of Donald of the Isles in the dispute over the earldom of Ross and fought for him at Harlaw that same year, commanding the left wing of the army. On account of this loyalty, the lord of the Isles immediately rewarded Malcolm with either the hereditary right to the lands of Glen Roy and Glen Spean (Kinrara MS), or the hereditary rights to Glen Garry (MacDonald), together with the hereditary stewardship of the lordship of Lochaber.<sup>49</sup> If he did, no record of these grants has survived.

A near-contemporary chronicle written in the 1440s, Bower's *Scotichronicon*, appears to support these stories. Under the year date 1429 Bower describes a rebellion in Lochaber under the leadership of Alexander, lord of the Isles, against the crown. The entry relates that when *Clann Chatain* saw the royal standard being unfurled they immediately surrendered to royal authority, abandoning the lord of the Isles.<sup>50</sup> All of this material might suggest that in 1429 the captain of *Clann Chatain* already recognised the authority of the lord of the Isles, perhaps even as a superior lord. This, however, does not necessarily equate to *Clann Mhic an Tòisich* holding lands in Lochaber at that time. By 1429 the lord of the Isles also possessed substantial holdings in eastern Scotland.

As effective earl of Ross from the mid-1420s,<sup>51</sup> Alexander of the Isles gained extensive lands in eastern Scotland including the barony of Kingedward (once belonging to the earls of Buchan), the barony of Kincardine in the Mearns (formed out of the three thanages of Kincardine, Aberluthnott and Fettercairn in 1370 – located just over the watershed from Birse), and the barony of Aberchirder (also a thanage until 1370).<sup>52</sup> During the same period Alexander was also justiciar north of the Forth and he is also described in one charter as lord of Nairn.<sup>53</sup> It was probably as lord of Nairn that Earl Alexander held the lands of the barony of Clunas, Boath, Balmakeith and half of Rait, all of which he granted to thethane of Cawdor, and the barony of Kilravock with the lands of Easter Geddes in the years 1436-40.<sup>54</sup> Armed with this information about the locations of Alexander's activities and lands in eastern Scotland post-1425, and since Geddes and Raits were located just to the south of the burgh of Nairn amidst the four thanages of Cawdor, Moyness, Brodie, and Dyke, it would have been surprising if he had not encountered someone called *Mac an Tòisich* (son of the thane) and who perhaps already led a group of smaller kindreds as captain of *Clann Chatain*. At this stage it is also worth noting that the story in *Scotichronicon* about *Clann Chatain* surrendering to the crown in 1427 was a later addition to one of the *Scotichronicon*

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<sup>48</sup> MacFarlane *Genealogical*, 144.

<sup>49</sup> MacFarlane *Genealogical*, 184-85; *HP*, I, 29-30.

<sup>50</sup> Bower, *Scotichronicon*, viii, 263.

<sup>51</sup> Brown, *James I*, 58.

<sup>52</sup> *RMS*, i, nos. 338 & 339.

<sup>53</sup> *Acts of the Lords of the Isles*, no.25.

<sup>54</sup> *Ibid*, nos.25 & 34.

manuscripts, MS C (Corpus Christi).<sup>55</sup> This addition must have been made before 1455 by one of Bower's associates.<sup>56</sup>

The next surviving piece of charter evidence relating to *Clann Mhic an Tòisich* dates to 5 October 1442 when Alexander Seton, lord Gordon, granted 'Malcolm McKynthoschey, Captain of Clanchatane' the lands of Meikle Geddes, together with half of the lands of Rait (with the castle), in the sheriffdom of Nairn, at the opposite side of the country from Lochaber. The grant was made in recognition of Mackintosh's faithful services to Seton and the former was promised equivalent land of the same extent in Seton's own lordship of Strathbogie if the original grant fell through.<sup>57</sup> This is the first piece of *Clann Mhic an Tòisich* charter evidence where there is no doubt about either the recipient or the document itself and demonstrates that the kindred and the captain of *Clann Chatain* possessed a foothold in eastern Moray, even if it cannot tell us anything about their ultimate origin. Since the lord of Gordon possessed little (if any) Highland land at this time it would be interesting to know exactly where Mackintosh had been performing services for him. The promise of land in Gordon's own lordship might also indicate that he viewed Mackintosh as a trusted adherent.<sup>58</sup>

Just over fourteen months later, on 11 February 1443/44, some thirty-three years after the battle of Harlaw, Alexander of the Isles, earl of Ross, granted forty merks worth of land in the Braes of Lochaber to Malcolm Mackintosh. There is no mention of an earlier charter in this grant. These lands were all located along the north bank of the River Spean between the west end of Loch Laggan and Inverroy, and in Glen Roy itself, amounting to two davochs of land.<sup>59</sup> This was clearly a strategic grant by the lord of the Isles because it effectively meant that his new tenant's lands sat astride and controlled the two main corridors of communication between the lordships of Lochaber and Badenoch, Glen Spean and Glen Roy. It is a pity that nothing is known about the military capacity of *Clann Chatain* at this time because that might have had a bearing upon this grant. In any event, from this point, not only did the identifiable lands belonging to *Clann Mhic an Tòisich* lie at opposite sides of Scotland, but the kindred were also now beholden to two different superior lords. Lord Alexander must have been impressed by Malcolm Mackintosh because on 13 November 1447 he subsequently granted him the office of steward of the entire lordship of Lochaber.<sup>60</sup> These were substantial grants of property and rights and, because there is nothing in the charter record to suggest that *Clann Mhic an Tòisich* were tenants of the lords of the Isles before February 1444, their award to Duncan Mackintosh seems surprising. Shortly afterwards, in October 1444, Duncan made his only appearance as a witness to a lord of the Isles charter.<sup>61</sup>

Malcolm soon seems to have managed to upset both of his superior lords. A series of documents produced c.1455 demonstrate that both Alexander of the Isles and Alexander Seton (by now earl of Huntly), had recognised (resumed possession of) the lands and offices they had previously granted to Malcolm, and that Malcolm hoped to appeal to the crown to determine the reasons for his double forfeiture. Interestingly, the timing of Malcolm's appeal

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<sup>55</sup> Bower, *Scotichronicon*, viii, 364.

<sup>56</sup> Ibid, ix, 211.

<sup>57</sup> NAS, GD176/1; 176/7.

<sup>58</sup> The Gordons had themselves been 'planted' in north-east Scotland during the fourteenth century. Without any (as far as we know) local ties of kin it must have been difficult for them to establish their lordship beyond Strathbogie. However, their predecessors as lords of Strathbogie had also been lords of Badenoch and Lochaber and it is possible that the Gordon/*Clann Chatain* axis arose out of a combination of the dismemberment of the Randolph earldom of Moray and earlier pre-Randolph ties of service.

<sup>59</sup> *Acts of the Lords of the Isles*, no.42. The original of this charter has recently been located in Canada. The Kinrara MS claims that Malcom was married to a daughter of MacDonald of Moidart but this marriage must have taken place some time before 1444 [cf: *MacFarlane Genealogical*, 183].

<sup>60</sup> Ibid, no.47. It should also be noted that in a mid-seventeenth century survey of the Mackintosh muniments [NAS, GD44/10/2/8] these were also then the earliest two Lords of the Isles charters to *Clann Mhic an Tòisich*. The original of this charter has recently been discovered in Canada.

<sup>61</sup> RMS, ii, no.281.

could easily coincide with the addition of material to *Scotichronicon* which was intended to demonstrate the previous loyalty of *Clann Mhic an Tòisich* to the crown.

It is also tempting to link these signs of *Clann Mhic an Tòisich* disfavour to the forfeiture of Archibald Douglas, earl of Moray, in 1455 since the forfeiture included (in Moray) the castles of Inverness and Urquhart, a third of the lands of Duffus, the lands of Petty and Brachlie, and lands in Strathdearn.<sup>62</sup> It is easy to construct a scenario whereby the forfeiture of the earl of Moray would have resulted in competition between the earls of Ross and Huntly for Moray's lands and titles. If *Clann Mhic an Tòisich* had been caught in the middle of such a contest it might have seemed easier to avoid giving service to one of these lords rather than the other, but all they accomplished in reality was to fall out of favour with both.

If this was the case the disfavour did not last too long. By May 1457 Malcolm was clearly back in favour with Huntly when the latter again granted him the lands of Meikle Geddes and Raits. On this second occasion, however, the lands were not granted in return for rent and services but were instead wadset (mortgaged) to Malcolm who was, it seems, now lending money to Huntly.<sup>63</sup> There is nothing in the historical record to indicate whether Malcolm himself was rich or if he had mortgaged other properties to raise the capital to lend to Huntly. One now unanswerable question is whether this wadset of Geddes and Raits to Malcolm was a reward or a punishment.

The lord of the Isles was not so forgiving. Records show that he had first been approached on behalf of Malcolm around 14 June 1456 with a offer that Torquil Macleod of Lewis and Alexander MacIain of Ardnamurchan should receive the lands of Keppoch and Moy in Lochaber in pledge until a judge would investigate why Malcolm had forfeited those same lands. The request was refused. A late secondary source claims that Malcolm had his Lochaber lands reinstated in July 1456 but there is no record of this in primary sources.<sup>64</sup>

It is not until 1466, after the death of Malcolm, that a member of *Clann Mhic an Tòisich* again appears in the charter record in relation to lands in Lochaber when the lord of the Isles granted Duncan Mackintosh, Malcolm's son, specific lands in Lochaber, together with the office of baillie of those lands, and the office of baillie of the earl's demesne lands in Lochaber.<sup>65</sup> This 1466 list of lands differs slightly from those granted to Malcolm Mackintosh in 1444 and it is obvious that the grant of the stewardship of the entire lordship of Lochaber that had originally been given to Malcolm in 1447 had also been substantially curtailed. Clearly, by 1466 the lords of the Isles had withdrawn some of their patronage from the chiefs of *Clann Mhic an Tòisich*.

But this loss of favour from the lord of the Isles was accompanied by increasing patronage for *Clann Mhic an Tòisich* from the earls of Huntly. Cathcart has already drawn attention to this realignment of *Clann Mhic an Tòisich* interests.<sup>66</sup> This patronage from Huntly included the marriage of the MacNiven heiresses of Dunachton and ward of their lands in 1475, the granting of the office of one of Huntly's baillies to Duncan's brother Lachlan before 1478, and a strategic grant of the davoch of Gallovie in western Badenoch, together with one of the islands in Loch Laggan, again to Lachlan, in 1481. By 1486 Lachlan had also been granted rights in the lands of Banchor and Ratulich, also in Badenoch.<sup>67</sup>

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<sup>62</sup> McGladdery, *James II*, 93-94.

<sup>63</sup> NAS, GD176/6.

<sup>64</sup> *Acts of the Lords of the Isles*, nos.62-64. Moy is not specifically named in the original list of lands granted to Malcolm in 1444 so there either must have been a subsequent grant of those lands from the lord of the Isles to Malcolm, February 1444 x June 1456, or (more probably) they were the lands that accompanied the office of steward of the lordship of Lochaber. Moymore (and others) reappear in the crown confirmation of lands in Lochaber to Duncan Mackintosh in 1476 [cf: *RMS*, ii, no.1243] but have disappeared again from another crown confirmation of 1494 [cf: *RMS*, ii, no.2191]. A precept of sasine in 1505 lists all these lands (Keppoch and Moy) in their entirety [cf: NAS, GD176/22].

<sup>65</sup> *Ibid.*, no.88.

<sup>66</sup> Cathcart, *Kinship and Clientage*, 164-65.

<sup>67</sup> *Miscellany of the Spalding Club*, ed J Stuart (Aberdeen, 1849), iv, 183-84; NAS, GD176/12; Sir William Fraser, *The Chiefs of Grant*, 3 vols (Edinburgh, 1883), iii, no.284, [hereafter: Fraser, *Grant*]; NAS, GD44/10/3.

Further rewards were forthcoming. At some point before the 1470s a chief of *Clann Mhic an Tòisich* must have alienated the lands of Rothiemurchus to a cadet branch of the kindred, the Mackintoshes of Rothiemurchus. It has been speculated that this alienation was a reward from the chief of *Clann Mhic an Tòisich* for Shaw Mackintosh leading *Clann Chatain* in battle in 1396 even though such an interpretation cannot be proven.<sup>68</sup> Nevertheless, this scenario has been used to help explain the 1460 grant by the bishop of Moray to Alexander Keir Mackintosh of the ecclesiastic lands of Rothiemurchus in feu.<sup>69</sup> Cathcart has further argued that this grant in feu amounted to the alienation of core clan estates and that Duncan, chief of *Clann Mhic an Tòisich*, was not prepared to let this happen. Accordingly, he appealed directly to the crown in an attempt to regain the lordship of these lands. Such a scenario would help explain the 18 July 1475 reference to royal letters that commanded the bishop of Moray to give sasine of Rothiemurchus to Duncan Mackintosh.<sup>70</sup>

### ***Clann Dhomhnaill and Clann Mhic an Tòisich: divorce proceedings***

On 16 October 1475 the lord of the Isles was summoned by King James III to appear at parliament to be held on 1 December to answer charges of treason. MacDonald was accused of treasonable negotiations with England, of assisting the forfeited Douglas family, of usurping royal authority, and of besieging Rothesay castle and wasting Bute. Following the non-appearance of the lord of the Isles a sentence of forfeiture was passed and, on 4 December 1475, the earls of Argyll, Atholl, and Huntly were issued with commissions to pursue the lord of the Isles to his death and with letters of fire and sword against his lands and possessions. By 28 March 1476 the earl of Huntly had already taken Dingwall Castle and invaded Lochaber.<sup>71</sup>

It can only be imagined under what kinds of difficulties these developments would have placed the chief of *Clann Mhic an Tòisich*. His two immediate superior lords were effectively at war and one of them had invaded the lands that he held of the other. It is a shame there is no record to indicate whether Duncan had been called to provide military service to aid Huntly in invading Lochaber in 1476. If he had been, it might have been a way to preserve and protect his own holdings there against the letters of fire and sword. Whatever the case, by 4 July 1476 Duncan had already resigned his Lochaber holdings into the hands of the king and had received them back to be held directly of the crown.<sup>72</sup> In this respect, it might also be asked if the chief of *Clann Mhic an Tòisich* had learned from the experience his father had undergone c.1455.

Although the lord of the Isles received most of his lands back from the crown on 16 December 1478, including the lordship of Lochaber, the crown reserved the earldom of Ross, the lordships of Knapdale and Kintyre, all fortifications within these lands, and the offices of the sheriffdoms of Inverness and Nairn.<sup>73</sup> To all those who acknowledged the lord of the Isles as their superior lord it must have been obvious that this re-grant amounted to a massive diminution of power. It is just a shame that nothing has survived from among the *Clann Mhic an Tòisich* muniments that might specifically indicate how they reacted to this situation in terms of political and personal bonds. Nevertheless, Cathcart has convincingly suggested that their re-alignment with the earls of Huntly after 1476 was a pragmatic choice made as a result of drastic upheavals in the political map of northern Scotland.<sup>74</sup> Under such circumstances, after the final forfeiture of the lord of the Isles in May/June 1493 the *Clann Mhic an Tòisich* lands in Lochaber were likely protected. Duncan moved swiftly to shield his interests: on 5 January 1494 his charter of 1466 from the lord of the Isles which granted him specific lands

<sup>68</sup> Cathcart, *Kinship and Clientage*, 150-51.

<sup>69</sup> *Moray Registrum*, no.448.

<sup>70</sup> NAS, GD176/10. For the dispute between Alexander and Duncan following the 1475 sasine and its resolution see: Fraser, *Grant*, iii, nos.39 & 283.

<sup>71</sup> N MacDougall, *James III* (Edinburgh, 1982), 121-22.

<sup>72</sup> *RMS*, ii, no.1243.

<sup>73</sup> *Ibid*, no.1410.

<sup>74</sup> Cathcart, *Kinship and Clientage*, 166.

in Lochaber, together with the office of baillie of those lands, and the office of baillie of the earl's demesne lands in Lochaber, was confirmed by King James IV.<sup>75</sup>

### Conclusion

There is no conclusive proof in the historical record that *Clann Mhic an Tòisich* had long been tenants of the lords of the Isles in Lochaber. Eva is clearly a fictional device utilised to retrospectively provide historical depth for *Clann Mhic an Tòisich* lordship in parts of Lochaber, and doubts can also be raised about the fourteenth century material purporting to prove their tenancy of lands in Lochaber too. In fact, the evidence seems to point to an east-coast origin for *Clann Mhic an Tòisich*, perhaps as an episcopal kindred, though it is still difficult to separate out the different layers of fact, propaganda, and downright lies in the Kinrara MS, much of which is coloured by the later Mackintosh – Cameron dispute over lands in Lochaber. One other point worth making is that if Malcolm is the earliest identifiable chief of *Clann Mhic an Tòisich* in the historical record, his appearance on the political stage roughly coincided with the breakup of the Randolph earldom of Moray into competing spheres of Dunbar, Stewart, and episcopal influence.

In fact, it is only in 1444 that incontrovertible proof emerges to confirm a relationship between the chief of *Clann Mhic an Tòisich* and the lord of the Isles. It is likely that this grant was a direct result of the acquisition of the earldom of Ross, together with further landed interests in eastern Scotland, by the lord of the Isles; and it was probably there that a direct link was first forged between the lord of the Isles and the chief of *Clann Mhic an Tòisich*. If this interpretation is correct it means that the superior lord-tenant relationship between the lords of the Isles and *Clann Mhic an Tòisich* was not a canonical marriage but only a brief flirtation which lasted for a mere thirty-one years before the former's first forfeiture in 1475. Thereafter the chief of *Clann Mhic an Tòisich* moved swiftly to realign his interests with the earl of Huntly and the crown. This secured crown confirmation of *Clann Mhic an Tòisich* interests in Lochaber that would survive the final forfeiture of the lord of the Isles in 1493 and ensure that their interests in the west would be protected in the longer term by Huntly. By any definition this was a remarkable example of deft political manoeuvring with no loss of land and/or prestige for *Clann Mhic an Tòisich*. It may also have paved the way for Huntly's eventual acquisition of the lordship of Lochaber.

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<sup>75</sup> RMS, ii, no.2191.